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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/850,383	05/07/2001	Brenda Lynn Dietrich	YOR920010417US1	2717
48150 7590 11/14/2008 MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			EXAMINER CHENCINSKI, SIEGFRIED E	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/850,383	Applicant(s) DIETRICH, BRENDA LYNN	
	Examiner SIEGFRIED E. CHENCINSKI	Art Unit 3695	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| <p>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date <u>8/22/08</u></p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: _____</p> |
|--|---|

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1, 13, 14 & 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The method steps fail to claim what happens when a bid proposal is not determined to be a selected proposal.

B. Applicant is again pointed to the decision by the Board of Patent Appeals and Interferences regarding the terms "column generation formulation", "column generation technique", "the meaning of the claim terms "characterizes" and "based on" that depend on the meaning of the term "constraint," " "lack clear meaning to the ordinary artisan and are thus insolubly ambiguous" (BPAI Decision on Appeal re. Application 09/850,383, January 31, 2008, p. 25, ll. 3-19). See the entire BPAI opinion regarding a detailed presentation of these ambiguities based on Applicant's arguments in the Appeal Brief versus the examiner's interpretation of Applicant's claimed terminology in light of the recent decision in *Halliburton Energy Services, Inc. v. M-ILLC*, 2007-1149, decided January 25, 2008 (Fed. Cir. 2008).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 6, 7, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ausubel (US Patent 5,905,975).

Re. Claims 1, Ausubel discloses a computer implemented method and computer executable medium for an auction comprising:

- establishing an auction system (Abstract, ll. 1-2; Col. 1, ll. 61-65) which is accessible via a network and comprises a processor which generates a user interface for entering a bid (network – Col. 7, ll. 60-65; processor – Col. 6, l. 21-CPU; Col. 8, ll. 19-20; user interface – Col. 6, l. 27; Col. 7, l. 66 – Col. 8, l. 19);
- entering in said auction system a bid for an item, said bid being entered by a bidder by using said user interface to identify an item, a bid value for said item and a constraint for a set of items including said item (Col. 2, ll. 39-50; Col. 29, ll. 4-14.); and
- generating an answer to a bid query including said constraint as an integer program, solving said integer program to determine whether said bid is a selected bid (Col. 3, ll. 53-57; Col. 6, ll. 23-63), and
- updating said user interface based on whether said bid is determined to be a selected bid (Col. 3, ll. 60-62; Col. 8, ll. 25-27; Col. 8, l. 58 – Col. 9, l. 13).

Ausubel does not explicitly disclose “formulating a winner determination problem”.

As such, Ausubel does not use the term “winner(s)” in his teaching. However, Ausubel does disclose transactions which result from the auctions taught by him. Ausubel’s method uses the generic concept embodied by the expression “formulating” as commonly understood. His method engages in solving a problem, and the goal of the method is to determine bids which satisfy the auctioneer’s criteria for determining the auction’s result(s) ((col. 3, ll. 53-57). An ordinary practitioner of the art at the time of Applicant’s invention would have understood that both parties to an auction transaction are winners in the commonly understood meaning of any transaction which results from an auction, since both parties have to be satisfied that they are each better off by entering into the transaction versus not entering into the transaction. This makes each one a winner in the common understanding of the matter. On the other hand, at least

one of the two parties to a transaction would not participate in the consummation of a transaction if they thought that a proposed transaction would make them a "loser" (i.e. a non winner), which would be the case if they viewed the offered transaction to be not to their benefit as they define the benefit. Thus, no transaction would occur and thus no winner would be possible if there is no transaction. Therefore, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of Ausubel with the ordinary practitioner's common understanding about transactions and particularly about transactions resulting from a computer implemented method for an auction, motivated by a desire to offer and implement improved auction methods (Ausubel, Col. 1, ll. 15-16).

Re. Claim 2, Ausubel discloses a method wherein the auction system is elected from a group consisting of an open cry auction, an ascending bid auction, and a descending bid auction (Col. 1, ll. 21-22, 61-65).

Re. Claim 6, Ausubel discloses a method enabling the auction system so that it is responsive to constraints selected from the group consisting of a maximum quantity constraint, a minimum quantity constraint, a precedence constraint, and a general linear constraint (Col. 2, ll. 39-40; Col. 6, ll. 56-58).

Re. Claim 7, Ausubel discloses a method comprising enabling the auction system so that it is responsive to seller constraints (Ausubel's method has inherent seller constraints without which the auction could not function. These constraints are established in the auctioneer's intelligent system for providing auction information to bidders, and then for evaluating bids – Abstract.).

Re. Claim 12, Ausubel discloses a network comprising the Internet (), said user interface being displayed on a web page on the Internet (Col. 7, ll. 64-65. A web page is implied by the worldwide web and would have been obvious to the ordinary practitioner of the art at the time of applicant's invention.)

3. Claims 3, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ausubel as applied to claim 1 above, and further in view of McAfee et al. (US Patent 6,718,312 B1, hereafter McAfee).

Re. Claim 3, Ausubel discloses or suggests a method wherein the constraint comprises a plurality of constraints which characterize combinations of bids from the bidder for the desired items within the auction system. Ausubel teaches and/or suggests the use of constraints and the combination of items (constraints) specified in their bids by bid participants in an auction process (Col. 2, ll. 29-50). Ausubel is not explicit regarding a plurality of items in his bidding constraints. However, McAfee discloses a method wherein the constraints characterize combinations of bids from the participant for the desired items within the auction system (Abstract, l. 8; Col. 1, l. 9; Col. 5, ll. 19-20; Col. 9, ll. 66-67). It would have been obvious to an ordinary practitioner at the time of Applicant's invention to have combined the art of Ausubel with that of McAfee in order to be responsive to constraints that characterize combinations of items, motivated by the desire to offer combinatorial auction methods and systems that eliminate associated bidding problems (McAfee, Col. 9, ll. 59-63).

Re. Claim 4, Ausubel does not explicitly disclose a method enabling the auction system so that it is responsive to a budget constraint. However, McAfee discloses a method which comprises enabling the auction system so that it is responsive to a budget constraint (Col. 6, ll. 1-3, 58-62. McAfee's method teaches a method responsive to a budget constraint). It would have been obvious to an ordinary practitioner at the time of Applicant's invention to have combined the art of Ausubel with that of McAfee to be responsive to budget constraints, motivated by the desire to offer combinatorial auction methods and systems that eliminate associated bidding problems (McAfee, Col. 9, ll. 59-63).

Re. Claim 5, Ausubel does not explicitly disclose a method wherein the budget constraint is specified by the bidder. However, McAfee suggests a method wherein the budget constraint is specified by or on behalf of the bidder, which can be either the seller or buyer/bidder, or both. McAfee suggests that both parties are likely budget constrained (Col. 6, ll. 1-3, 58-62. McAfee's method teaches a method responsive to a budget constraint, which in turn would have made it obvious to an ordinary practitioner at the time of Applicant's invention to consider various ways of including budget constraints into the auction process from both seller and buyer/bidder points of view).

Therefore, it would have been obvious to an ordinary practitioner at the time of Applicant's invention to have combined the art of Ausubel with that of McAfee to be responsive to budget constraints specified by or on behalf of a bidder, motivated by the desire to offer combinatorial auction methods and systems that eliminate associated bidding problems (McAfee, Col. 9, ll. 59-63).

4. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ausubel as applied to claim 1 above, and further in view of Macready et al. (US PreGrant Publication 2002/0016759, hereafter Macready).

Re. Claim 8, Ausubel does not explicitly disclose a method wherein the seller constraints specify a minimum value for a combination of items. However, Macready discloses a method wherein the seller constraints specify a wide range of parameter possibilities (Page 6, [0077]; [0108]-ll. 1-2; [0110]). It would have been obvious to the ordinary practitioner at the time of applicant's invention that these possibilities suggest the imposition of a constraint specifying a minimum value. Such a value would be based on the participant's assessment that he would be worse off to engage in a transaction below such a minimum value). Hence it would have been obvious to an ordinary practitioner at the time of Applicant's invention to have combined the art of Ausubel with that of Macready to be responsive to seller constraints such as a minimum value for a combination of items, motivated by the desire to offer flexibility to all trading partners to locate win-win opportunities for all parties if they exist (Macready, page 2, [0012]-ll. 7-9).

Re. Claim 9, Ausubel does not explicitly disclose a method wherein of enabling the seller constraints specify a minimum value for a combination of a minimum number of items to be sold. See the rejection of claim 8. The ordinary practitioner would have seen it as obvious that minimum values could easily be involved in auctions which involve multiple items and in which the seller(s)'s constraints permit or perhaps even require bidding on a combination of items. See the rejection of claim 10 for an illustration of such circumstances. The selling participant would may have an interest in establishing a minimum value in a combination of items in the case of a car parts auction. It would have been obvious to an ordinary practitioner at the time of Applicant's invention to

have combined the art of Ausubel with that of Macready to be responsive to seller constraints such as a minimum value for a combination of a minimum number of items to be sold, motivated by the desire to offer flexibility to all trading partners to locate win-win opportunities for all parties if they exist (Macready, page 2, [0012]-II. 7-9).

Re. Claim 10, Ausubel does not explicitly disclose a method wherein the seller constraints specify a minimum value for a combination of items correlated to a precedence relationship. However, Ausubel teaches conditions submitted by buyers as a part of their bids. Further, Macready teaches that the auction process cannot proceed until bidder conditions are fulfilled ([00340]-II. 3-4). Also, Applicant defines precedence constraints as available to both sellers and buyers (page 6, II. 4-18), simply as a previously established bid or offer, or a previously established condition, which has to be met if a newly submitted condition, bid or offer is to be accepted. An ordinary practitioner would have been familiar with such conditional offers and would have known that the conditional offers can be based on an unlimited number of factors, including previously submitted terms, conditions, offers or bids. Macready also discloses a method of enabling the auction system so that seller constraints specify a wide range of parameter possibilities. Macready further teaches combinations in offers and combinations of values ([0344] and in claim 64). An ordinary practitioner would have seen that such combinations of values could easily involve bids for multiple items conditioned in whatever manner suits the bidder if two or more items are offered by a seller or even by multiple sellers who are participating in the same auction. For example, in an auction of used car parts (an industry which has become quite sophisticated in the era of personal computers) it would be reasonable for a bidder to establish a bid for a front grill assembly for a certain year/model car conditioned on the preceding bid for the body of the same make/model car which he has determined has a smashed grill. It would have been obvious to an ordinary practitioner at the time of Applicant's invention to have combined the art of Ausubel with that of Macready and the knowledge of the ordinary practitioner to be responsive to seller constraints such as a minimum value for a combination of items correlated to a precedence relationship,

motivated by the desire to offer flexibility to all trading partners to locate win-win opportunities for all parties if they exist (Macready, page 2, [0012]-II. 7-9).

Re. Claim 11, Ausubel does not explicitly disclose a linear constraint. However Macready discloses a linear constraint (p. 3, [0036]-I. 8) in a transaction negotiation environment. Therefore, it would have been obvious to an ordinary practitioner at the time of Applicant's invention to have combined the art of Ausubel with that of Macready and well known practices to be responsive to seller constraints such as a minimum value for a combination of items correlated to a precedence relationship, motivated by the desire to offer flexibility to all trading partners to locate win-win opportunities for all parties if they exist (Macready, page 2, [0012]-II. 7-9).

5. Claims 14, 16, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ausubel in view of McAfee and Macready.

Re. Claim 14, Ausubel discloses or suggests a computer implemented method for facilitating an auction comprising:

- establishing an auction system which is accessible via a network and comprises a processor which generates a user interface for entering a bid (see the rejection of claim 1);
- receiving constraints specified by a participant in the auction (see the rejection of claim 1),
- generating a proposal based on the constraints specified by the participant said proposal comprising a set of bids from the participant that satisfies all of the constraints specified by the participant (Col. 1, l. 61 – Col. 2, l. 29;); and
- formulating a winner determination problem based including said constraints as an integer program, and solving said integer program to determine whether said proposal is a selected proposal, and updating a user interface based on whether said proposal is determined to be a selected proposal (see the rejection of claim 1).

Ausubel does not explicitly disclose constraints which characterize combinations of items desired by the participant within said an auction system. However, McAfee discloses a method wherein the constraints characterize combinations of bids from the participant for the desired items within the auction system (Abstract, l. 8; Col. 1, l. 9; Col.

5, ll. 19-20: Col. 9, ll. 66-67). It would have been obvious to an ordinary practitioner at the time of Applicant's invention to have combined the art of Ausubel with that of McAfee in order to be responsive to constraints that characterize combinations of items, motivated by the desire to offer combinatorial auction methods and systems that eliminate associated bidding problems (McAfee, Col. 9, ll. 59-63).

Ausubel does not explicitly disclose using column generation formulation. However, Macready discloses the use of column generation formulation (p. 11, [0209]).

Therefore, it would have been obvious to an ordinary practitioner at the time of Applicant's invention to have combined the art of Ausubel with that of Macafee and Macready to develop computer implemented method for facilitating an auction, motivated by the desire to offer flexibility to all trading partners to locate win-win opportunities for all parties if they exist (Macready, page 2, [0012]-ll. 7-9).

Re. Claim 16, Ausubel discloses a method specifying combinatorial bids by interpreting the constraints. Applicant defines combinatorial bidding as a "computer implemented system for a combinatorial auction. One or more bidders participate in the auction. Two or more items are being auctioned." (p. 14, ll. 13-14). It would have been obvious to an ordinary practitioner at the time of Applicant's invention that Ausubel teaches such an auction, since Ausubel teaches or suggests two or more bidders and two or more items (See the rejection of claim 1).

Re. Claim 19, Ausubel discloses a method wherein the constraints are represented by linear relationships between indicator variables on bids from the participant (See the rejection of claim 6).

6. Claims 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ausubel in view of McAfee and Macready as applied to claim 14 above, and further in view of Official Notice.

Re. Claim 15, none of Ausubel, Macafee or Macready explicitly disclose an integer program expressed as

"Max Summation (i,p) of $v(i,p) \times x(i,p)$ "

where $v(i,p)$ denotes a monetary value of a bid that bidder p has placed for item i, and,

$x(i,p)$ denotes a decision variable having a value of 0 when said bid is not in a winning combination, and 1 when said bid is a winning combination.

The examiner takes Official Notice that this mathematical expression was well known to an ordinary practitioner at the time of Applicant's invention. Therefore, it would have been obvious to an ordinary practitioner at the time of Applicant's invention to have combined the art of Ausubel with that of Macafee, Macready and Official Notice to develop computer implemented method for facilitating an auction, motivated by the desire to offer flexibility to all trading partners to locate win-win opportunities for all parties if they exist (Macready, page 2, [0012]-II. 7-9).

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ausubel in view of McAfee, Macready and Official Notice.

Re. Claim 20, the disclosures of Ausubel, McAfee and Macready are cited above in the rejections of claims 1-16 and 19 regarding methods of conducting an auction in an auction system in which plural items are offered for auction by a seller, and plural bidders place bids on said plural items, said method comprising:

Ausubel discloses:

- establishing an auction system which is accessible via the Internet and comprises a processor which generates a web page including a user interface for entering a bid (See the rejection of claim 1);
- entering in said auction system an offer of a item for bid, said offer including a seller constraint that describes said item (See the rejection of claim 7);
- entering in said auction system a bid for said item, said bid being entered by a bidder by using said user interface to identify said item, a bid value for said item and a constraint for a set of items including said item (See the rejection of claim 1; re. "a set of items"-see the rejection of claim 14-combination of items.); and
- after said bidder has input said bid including a bidder constraint, formulating a winner determination problem including said bidder constraint and seller

Art Unit: 3695

constraint as an integer program, and solving said integer program to determine whether said bid is a selected bid (see the rejection of claim 1),

Ausubel does not explicitly disclose the following detailed combinations involved in an auction method:

- wherein said user interface displays a space for a bidder to identify plural bidder constraints comprising a budget constraint that specifies a total amount that a bidder is willing to pay for an item, a precedence constraint that indicates that bidder will win an item of plural items only if said bidder also wins another item of said plural items, an alternate precedence constraint which indicates that a bidder will win an item only if said bidder wins all of the items in a precedence set, a quantity constraint which specifies one of a maximum quantity and a minimum quantity of items that said bidder will win, and a general linear constraint which indicates a coefficient for said plural items and an upper bound and lower bound on a sum of coefficients for said plural items, and
- wherein said seller constraint comprises one of a constraint indicating a minimum total amount that seller will accept for plural items, a constraint indicating a minimum quantity of items in said plural items to be sold, and a precedence constraint indicating that an item will be sold only if another item is sold.

However, Ausubel in combination with MacAfee and Macready disclose the following:

- wherein said user interface displays a space for a bidder to identify plural bidder constraints (Ausubel-Col. 2, ll. 39-41) comprising a budget constraint that specifies a total amount that a bidder is willing to pay for an item (MacAfee-see claims 4 and 5), a precedence constraint that indicates that bidder will win an item of plural items only if said bidder also wins another item of said plural items (Ausubel suggests this in combinatorial bidding – see claim 3, plural of bidder constraints), an alternate precedence constraint which indicates that a bidder will win an item only if said bidder wins all of the items in a precedence set (this would have been obvious to an ordinary practioner at the time of Applicant's invention because it is implicit in the various combinations concept of a plurality

of constraints), a quantity constraint which specifies one of a maximum quantity and a minimum quantity of items that said bidder will win (See the rejection of claim 6, 8 and 9), and a general linear constraint which indicates a coefficient for said plural items and an upper bound and lower bound on a sum of coefficients for said plural items (see the rejection of claim 11 and claims 6, 8 and 9), and

- wherein said seller constraint comprises one of a constraint indicating a minimum total amount that seller will accept for plural items, a constraint indicating a minimum quantity of items in said plural items to be sold, and a precedence constraint indicating that an item will be sold only if another item is sold (this is implicit in seller constraints – see claim 7, and the rejections of claims 6, 8 and 9 and the prior art of minimum and maximum constraints).

Ausubel does not explicitly disclose an integer program expressed by the following:

“Max Summation (i,p) of $v(i,p) \times x(i,p)$ ”

where $v(i,p)$ denotes a monetary value of a bid that bidder p has placed for item i, and, $x(i,p)$ denotes a decision variable having a value of 0 when said bid is not in a winning combination, and 1 when said bid is a winning combination. However, the examiner takes Official Notice that this mathematical expression was well known to an ordinary practitioner at the time of Applicant's invention.

Therefore, it would have been obvious to an ordinary practitioner at the time of Applicant's invention to have combined the art of Ausubel with that of MacAfee, Macready and Official Notice to develop computer implemented method for facilitating an auction, motivated by the desire to offer flexibility to all trading partners to locate win-win opportunities for all parties if they exist (Macready, page 2, [0012]-II. 7-9).

Response to Arguments

8. Applicant's arguments with respect to claims 1-16, 19 and 20 received on August 22, 2008 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is (571)272-6792. The Examiner can normally be reached Monday through Friday, 9am to 6pm. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Alexander Kalinowski, can be reached on (571) 272-6771.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington D.C. 20231

or faxed to:

(571)273-8300 [Official communications; including After Final communications
labeled "Box AF"]

(571) 273-6792 [Informal/Draft communications, labeled "PROPOSED" or
"DRAFT"]

Hand delivered responses should be brought to the address found on the above
USPTO web site in Alexandria, VA.

SEC

November 10, 2008

/Alexander Kalinowski/

Supervisory Patent Examiner, Art Unit 3691